

IN THE HIGH COURT OF KIRIBATI)
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

CRIMINAL CASE No. 1 OF 2000

THE REPUBLIC
V.
KABUTAAKE BERIKI

FOR THE REPUBLIC:
FOR THE ACCUSED:

MR TION NABAU
MR NEIL ALLEN

DATE OF HEARING:

25 AUGUST 2000

SENTENCE

Kabutaake Beriki: you have pleaded guilty to indecent assault, a crime which has a maximum penalty of 5 years' imprisonment.

It happened on 19 July last year. The victim and her husband were in the vicinity of the Gateway Bar here on Betio. She went to the Mary Kum Kee store to buy her husband some smokes. While she was there you put your hand under her left arm and touched her breast. You were very drunk. The lady was affronted and scolded you. If it had not been for the intervention of two police officers you and her husband would have had a fight.

You sobered up in the cells. You went and apologized to the victim and her husband. Your own wife is angry with you over this. You are 38 years old, married with 3 children the eldest is 17. You have casual work and earn \$100.00 per fortnight at the most.

You say you are going to curb your drinking. So you should. You have a record of offences going back to 1980. You told your lawyer, Mr Allen, that you did not think you had so many convictions. I shall accept the accuracy of the Police Clearance Certificate. Most of the offences involve alcohol and some violence. They shew you have been, from time to time, a real nuisance to society. You have been fined for nearly all of the offences.

The time has come when fines are no longer appropriate. There must be a more severe penalty, gaol.

Mr Allen suggested that any term of imprisonment be suspended. Mr Nabau opposed that saying that offences such as these are becoming prevalent and people must be deterred from committing them. I do not think suspension is warranted.

I take into account that you did apologize and you have pleaded guilty. These things go to reduce the penalty.

You will be imprisoned for 2 months from last Friday when you went into custody.



THE HON ROBIN MILLHOUSE QC
CHIEF JUSTICE
(29/08/00)